US Legal Support Inc.

20970 Warner Center Lane, Suite C

Woodland Hills, CA 91367

Phone: (818) 878-9227 / Fax: (818) 878-9851

WorkOrder #:257636.001 Due Date: 07/13/2018 9:00AM

Boud 122/18 124

NOTICE TO PARTIES BEING SUBPOENAED

TO THE CUSTODIAN OF RECORDS OF:

City of San Jose Planning, Building and Code Enforcement Building Department 200 East Santa Clara Street, Tower, 2nd Floor

San Jose, CA 95113-1905 20 S. and St. 25 S. 3rd St.

- 1) Remember to sign the enclosed Declaration of Custodian of Records form
- 2) Please include our work order number 257636.001, on all correspondence.
- 3) If radiological films are requested, a complete list of breakdown is required prior to production of films.

You may satisfy the provisions of this subpoena by complying with any one of the following instructions:

- 1) Allow U.S. LEGAL SUPPORT to photocopy the requested records.
- 2) Appear at the scheduled time and place, bringing with you the originals of all of the records described in the subpoena.
- 3) Mail your response to our attention, taking the following steps:
 - a. Copy the requested records (or duplicate the requested items or materials). If no such records or materials, go to step e.
 - b. Contact U.S. LEGAL SUPPORT prior to sending the records if there are any additional fees for producing the records or materials.
 - c. Complete the declaration form(the last page in the subpoena packet sent to you) to indicate the records and/or items being sent, or to indicate that you have none of the records and/or requested if they do not exist.
 - d. Mail records to: US Legal Support, 20970 Warner Center Lanc, Suite C, Woodland Hills, CA 91367. Please make sure to include our reference number (found in the upper right hand corner of this notice) on all correspondence you send.

WHEN THE AFOREMENTIONED RECORDS ARE AVAILABLE TO BE COPIED, PLEASE CONTACT OUR OFFICE.

IF YOU HAVE ANY QUESTIONS REGARDING THE ATTACHED SUBPOENA OR HOW TO RESPOND, PLEASE FEEL FREE TO GIVE US A CALL, (818) 878-9227.

WorkOrder#: 257636.001 FOR COURT USE ONLY ATTORNEY OR PARTY WITHOUT ATTORNEY (Name state bar cumber, and address.) Kyle Z. Pineo, Esquire, SBN, 317320 Berding & Woll, L.L.P. 2175 North California Boulevard, Sulte 500 Walnut Creek, CA 94596 TELEPHONE NO. (925) 838-2090 FAX. (925) 820-5592 ATTORNEY FOR (NAME): Plaintiff The Globe Homeowners Association SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS 191 NORTH FIRST STREET MAILING ADDRESS 191 NORTH FIRST STREET CITY AND ZIP CODE SAN JOSE, CA 95113 BRANCH NAME DOWNTOWN PLAINTIFF/PETITIONER: The Globe Homeowners Association DEFENDANTIRESPONDENT: The Globe at 2nd and Santa Clara, L.P., et al. **DEPOSITION SUBPOENA** CASE NUMBER 17CV318405 FOR PRODUCTION OF BUSINESS RECORDS THE PEOPLE OF THE STATE OF CALIFORNIA, TO: The Custodian of Records for: City of San Jose Planning, Building and Code Enforcement Building Department 200 East Santa Clara Street, Tower, 2nd Floor, San Jose, CA 95113-1905 1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows: TO (name of deposition office). US Legal Support Inc. ON (date)/ AT (time): 07/13/2018 9:00AM LOCATION: 20970 Warner Center Ln. Suite C. Woodland Hills, CA 91367 Do not release the requested records to the deposition officer prior to the date and time stated above. by delivering a true, legible and durable copy of business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1. by delivering a true, legible and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code Section 1563(b). by making the original business records described in item 3 aveiable for inspection at your business address by the C. XX attorney's representative and permitting copying at your business address under reasonable conditions during normal business hours The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoons, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code Section 1561 The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified): SEE ATTACHMENT 3 Continued on Attachment 3 FYOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS. DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY. Date issued: 06/22/2018 Kyle Z. Pineo, Esquire Kyle Z. Pineo, Es⊵uire ENGRAPHED OR PERSON SSUING SUBSTANCE. TYPE OR SENT NAME) ATTORNEY-AT-LAW «Proof of service on reverse»

DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS

「「Note in the test of a Manage Control and

THE R. P. LEWIS CO. LANSING BUILDINGS.

Associate by the state of the

Company of the second of the second s

PLAN	TIFF/PETITIONER The Glo	be Homeowners Association	CASE NUMBER 17CV318405	***************************************
DEFE	NDANT/RESPONDENT: TH	ne Globe at 2nd and Santa Clara, L.P., ct a		
1. ser	ved this <i>Deposition Subp</i>	PROOF OF SERVICE OF DEPO PRODUCTION OF BUS poens for Production of Business Record		ed as
follows a.	; Person served (name):			
b	Address where served:	City of San Jose Planning, Building Clara Street, Tower, 2nd Floor San Jose, CA 95113-1905	and Code Enforcement Building Department, 20	0 Eust Santa
Ö.	Date of delivery			
d.	Time of delivery:			
а	(1) Witness fees Amount (2) Copying fees Amount	were paid		
f.	Fee for service	**** ***** \$		
2 I rec	eived this subpoena for s	service on (date)		
3. Persa a b. c. de e e e e e e e e e e e e e e e e e e	California sheriff Registered Califo Employee or inde Exempt from reg XX Registered profe Exempt from regi	er Ln. Suite C v 91367	n 22350(b) n 22451	
	ornia that the foregoing is	jury under the laws of the State of true and correct	(For California sheriff or marshal use only) I certify that the foregoing is true and correct Date:	
w w .	~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~		SIGNATURE)	no occurs as on the control of the second of the control of the co

A CONTRACT OF MENTAL MANAGEMENT AND ADMINISTRATION OF THE PROPERTY AND ADMINISTRATION

THE GLOBE HOMEOWNERS ASSOCIATION v. THE GLBOE AT 2^{NB} AND SANTA CLARA, LP, et al.

ATTACHMENT 3

DEFINITIONS

The term "DOCUMENT" or "DOCUMENTS" shall mean any text, recording, photograph or writing (as defined in California evidence Code section 250). The terms "DOCUMENT" or "DOCUMENTS" shall also include, without limitation, all permits, plans, blueprints, shop drawings, plumbing, mechanical, engineering, structural or architectural drawings, diagrams, calculations, specifications, correspondence, memoranda, notes, meeting minutes, requests for information (RFI's) and responses thereto, bulletins, construction directives and responses thereto, contracts, change orders, and reports and all electronic media on which responsive information is stored or recorded on any disc or drive or electronic files or writings.

The term "PROJECT" means the development known as Globe Homeowners Association, located in the City of San Jose, County of Santa Clara, State of California described as follows: Lots 3, 4 and 5 and A. C and H, as shown on the final map of Tract No. 7688, filed on December 11, 2006, in Book 295 of Maps at Pages 14 through 17, inclusive, in the official records of the County of Alameda. State of California, which includes the following residential addresses:

25 South 3rd Street. Units 101 - 415

20 South 2nd Street, Units 421 - 515

The term "YOU" or "YOUR" means City of San Jose Planning, Building and Code Enforcement, Building and Planning Division and its employees, independent contractors, representatives, and any other person or entity acting or purporting to act on behalf of City of San Jose Building and Planning Division.

The term "RELATED TO" means concerning, verifying, approving, constituting, consisting of, summarizing, describing, mentioning, evidencing, recounting, reporting, discussing, explaining, reflecting, or referring to.

DOCUMENTS TO BE PRODUCED

- Any and all construction drawings in YOUR possession, custody or control RELATED to or connected with the PROJECT.
- 2. Any and all DOCUMENTS in YOUR possession, custody or control RELATED to or connected to building permits that relate in any way to the PROJECT.
- 3. Any and all DOCUMENTS in YOUR possession, custody or control related to or connected with the PROJECT.
- 4. Any and all DOCUMENTS in YOUR possession, custody or control that were provided to YOU by anyone that relate in any way to the PROJECT.

X.)wdocs\8128\91\705@\08531701\00

US Legal Support Inc.

20970 Warner Center Lane, Suite C Woodland Hills, CA 91367

Phone: (818) 878-9227 Fax: (818) 878-9851

WorkOrder#; 257636.001 CSR: Kristinch Baghaomian

DECLARATION OF CUSTODIAN OF RECORDS

RECORDS ON	The Globe Homeowners Association v. The Globe at 2nd and Santa Clara, I	L.P.					
LOCATION: City of San Jose Planning, Building and Code Enforcement Building Department							
t being the duly	authorized custodian of records and having the authority to certify the records de	eclare the following:					
T. DESCRIP	ION OF RECORDS PRODUCED: (Must select at least one)						
Medical _	Billing Radiological Images Radiological Reports Insurance	Employment Payroll					
Academic	Dental Other						
The records were	prepared by the personnel of the business in the ordinary course of business at or near the	time of the net condition or man					
2. THE RECO	ORDS INDICATED BELOW WERE REQUESTED BUT DO NOT EX	vincoma aci, condicion, in even VICT:					
Medical	Billing WCAB Recs Insurance Physical Therapy Sign-in St	water Impolation					
Pathology	reports/materials Prescription/Pharmacy Photographs Videotape	o Dominio y mentalisma					
Psychiatric	PayrollAcademicRadiological ImagesRadiological Rep	srarametre/Amoutance					
Billing rec	ords can be obtained from:	OUS					
f Mhar/live	anni an						
3. IN WHAT	MANNER WERE THE PRODUCED RECORDS PREPARED: (Mus						
Data/Com	nuter General	t select at least one)					
Audia/Via	puter Generated Typed/Hand Written Notes Summary Rad	liological					
1 CEDTIEIC	co Pathological Other	10000000000000000000000000000000000000					
TE	ATION OF RECORDS COPIED OR OBTAINED: (Must select at leas	t one)					
ne prod	uced records is a true copy of all the records described in the Deposition St	ubpoena,					
	na Duces Tecum or Authorization.						
Pursuant	to Evidence Code Section 1560(e), the original records described in the De	eposition					
Subpoo	ma/Subpoena Duces Tecum was delivered to the Attorney or the Attorney's	s representative for copying a					
the wit	ness' place of business.						
The following	wing records were omitted or could not be produced at this time for the sol	llowing reason:					
Existing All records All records The follo Additions Other ex Under penalty foregoing is to	of perjury and under the laws of California, I the CUSTODIAN of Rue and correct.	ame, SSN, DOB, etc. which is					
Custodian	Date:City	. California					
→ Signature	Print nameSigned:	• • •					
<u> </u>							
	(OFFICE USE ONLY) CERTIFICATION OF PROFESSIONAL PI	OTOCOPIER					
I, the undersi	gned, declare under penalty of perjury that the foregoing is true and correct	•					
1 made	true copies of all the original records that were given to me by the Custodia	in of Records at the					
above named	location.						
The rec	ords provided are a true and complete copy of those received from the Cust	odian of Records via					
	Email Fax Online Repository Other:	Committee of the contraction of					
Executed on	• -	California					
Print Name		, California					
	OINICU						
		i i					

		WUKURUEI#: 237636				
-		The Globe Homeowners Association, Case No.: 17CV318405				
~*5		Plaintiff(s).) vs. The Globe at 2nd and Santa Clara, L.P., et al.,)				
*		Defendant(s),)				
4))				
•)				
G		I, Angie Salvatierra, am and was on the dates mentioned herein, over the age of eighteen years and				
7		not a party to the within entitled action				
9		My business address is: US Legal Support Inc. 20970 Warner Center Ln. Suite C Woodland Hills, CA 91367				
***)					
		On 06/22/2018 I served true copies of the following documents:				
	7.	Deposition Subpoena for Production of Business Records				
	3	To each party appearing in this action, at the address below, by placing true copies thereof				
	1	enclosed in a scaled envelope in which I mailed to the addressee(s) below with postage fully pre-paid,				
		in the United States Mail.				
	5	Mark D. Newcomb, Esquire Koeller, Nebeker, Carlson & Haluck, L.L.P.				
	7	3 Park Plaza Suite 1500 Levine, CA 92614				
	3	(949) 864-3400 Fax: (949) 864-9000				
)	I declare under penalty of perjury under the laws of the State of California that the foregoing is true				
2)	and correct.				
7	•					
)	<u>}</u>	1SI Angi fal-				
?	•	Angie Salvaherra U.S. Legal Support, Inc				
2	1					
)	5					
2	ś					

SANTA CLARA COUNTY SUPERIOR COURT

•) NO. 17CV318405
)
) DECLARATION OF
The Globe Homeowners Association,) JUANA AGUILAR
Plaintiff,)
)
v.) RE: RECORDS
)
The Globe at 2nd and Santa Clara, L.P., e	et al.,)
Defendant,)
)
	j
)

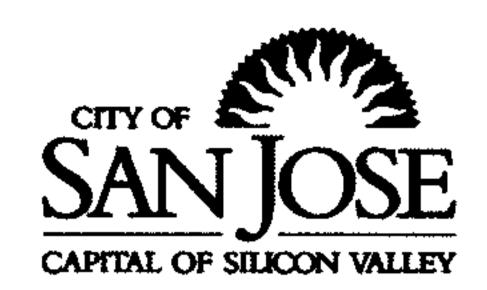
- I, Juana Aguilar, declare:
- 1. I am the duly authorized custodian of records of the City of San Jose's Planning, Building and Code Enforcement Department and have authority to certify such records.
- 2. On June 22, 2018, I was served with a subpoena calling for the Planning and Building Department documents regarding the "PROJECT" known as Globe Homeowners Association, located in the City of San Jose, CA.
- 3. The accompanying copies are true copies of all Planning and Building Department records described in the subpoena and specifically requested after a review of all documents that are in my possession as custodian of records. These records were prepared by the personnel of the City in the ordinary course of business, at or near the times of the acts, conditions, or events recorded therein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct,

Dated:

at San Jose, California,

Jaana Aguilar



July 23, 2018

US Legal Support Inc. 20970 Warner Center Lane, Suite C Woodland Hills, CA 91367

Re: SUBPOENA The Globe Homeowners Association vs. The Globe at 2nd and Santa Clara, L.P., et al., Superior Court of California, County of Santa Clara Case No. 17CV318405

Your Work Order No.: 257636.001

The production of records in regards to the above-referenced subpoena has been completed. The following is a breakdown on the costs incurred by the Planning, Building and Code Enforcement Department in response to this subpoena.

For clerical costs for the retrieval and duplication of documents 21 hours at \$24.00 per hour		\$504.00	
For 8 ½ x 11 document copies 3,910 pages at \$ 0.20 per page	782.00		
For plan copies on CD 1 CD at \$ 0.50 per CD		0.50	
	Total	\$1,286.50	
	Less Deposit	.00	
	BALANCE DUE	\$1,286.50	

If paying by check, please make the check payable to the CITY OF SAN JOSE.

Thank you,

Juana Aguilar
Staff Specialist | Public Records Act Coordinator
PBCE – Building Division | Imaging Center
City of San Jose
200 E. Santa Clara St., San Jose CA 95113
juana.aguilar@sanjoseca.gov